

FILED

JAN 29 2020

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

ASHU JOSHI,

Defendant.

No. S1-4:18-cr-00876-JAR-NCC

SUPERSEDING INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:
 - (a) “minor” to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));
 - (b) “sexually explicit conduct” to mean actual or simulated
 - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,
 - (ii) bestiality,
 - (iii) masturbation,
 - (iv) sadistic or masochistic abuse, or
 - (v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A)); and

- (c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));
- (d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--
 - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or
 - (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about March 1, 2018, and on or about October 10, 2018, in the Eastern District of Missouri, and elsewhere,

ASHU JOSHI,

the Defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, "M.D." to engage in sexually explicit conduct, specifically, Ashu Joshi persuaded M.D. to produce images that depicted M.D. in a lascivious display of her genitals, and said sexually explicit conduct

was for the purpose of producing a visual depiction of such conduct, to wit: images of M.D. in a lascivious display of her genitals, and such visual depictions were transported to the defendant, using the internet, which is a means and facility of interstate and foreign commerce, i.e., the Facebook Messenger Application.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2018, and on or about October 10, 2018, in the Eastern District of Missouri, and elsewhere,

ASHU JOSHI,

the defendant herein, did knowingly transport an individual under the age of eighteen in interstate and foreign commerce, with the intent that the individual engage in any sexual activity for which a person can be charged with a criminal offense; to wit: defendant, who was at least twenty-one years of age, transported M.D. from the State of Kentucky to the Eastern District of Missouri and engaged in oral sex with M.D. in the Eastern District of Missouri, knowing M.D. was under the age of seventeen years, in violation of Missouri Revised Statute, Section 566.061 and

In violation of Title 18, United States Code, Sections 2423(a) and 2 and punishable under Title 18, United States Code, Section 2423(a).

COUNT III

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2018, and on or about October 10, 2018, in the Eastern District of Missouri, and elsewhere,

ASHU JOSHI,

the defendant herein, did knowingly distributed an image and a video of child pornography over the internet, a means or facility of interstate commerce, and these images and videos were visual depictions that involved the use of a minor M.D. engaging in sexually explicit conduct and such visual depictions were of a minor engaging in sexually explicit conduct, including but not limited to the following:

- a. “c3sp2wfx0k8coc0o38600125_241722836470858_3465902045091856384_o.jpg” – a graphic image file of a minor female, M.D., in a lascivious display of her genitals; and
- b. “1chwm9o7n49wwkck38818123_1932222680134439_7333792928642367488_o.jpg” – a graphic image file that depicts M.D. in a lascivious display of her genitals while manipulating her vagina with her fingers.

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT IV

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about August 18, 2018, and on or about October 10, 2018, in the

Eastern District of Missouri, and elsewhere,

ASHU JOSHI,

the defendant herein, did knowingly receive videos and images of child pornography over the internet, a means or facility of interstate commerce, and these videos and images were visual depictions that involved the use of a minor engaging in sexually explicit conduct and such visual depictions were of a minor engaging in sexually explicit conduct, including but not limited to the following:

- a. 7d89d651-0f2c-4afc-a90d-b3d1b19a46a6.mp4 – a graphic video file depicting a minor prepubescent male infant in a lascivious display of his genitals; and
- b. 74e29381-2482-4d96-98fa-7ab3c6644e9a.mp4 – a graphic video file depicting a minor prepubescent female child penetrating her genitals.

In violation of Title 18, United States Code, Section 2252A(a)(2).

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Sections 2253(a)(2) and (3), upon conviction of an offense in violation of Title 18, United States Code, Sections 2423(a), 2251(e), and 2252A as set forth in Counts I through III, the defendant shall forfeit to the United States of America any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense, and any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.
2. Specific property subject to forfeiture includes, but is not limited to, the following:

- a. 2017 Mercedes-Benz S550, VIN: WDDUG8FB5HA305753; and

b. 9362 Caddyshack Circle, St. Louis, MO 63127, Parcel: 27N-52-0201.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

FOREPERSON

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